

REMARKS/ARGUMENTS

In the Official Action dated December 29, 2006, Claims 1-9 were rejected under 35 U.S.C. §§ 101 and 112, second paragraph, as lacking patentable utility and as being indefinite. Claims 1, 4, 5, 35, and 38 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,301,586 to Yang ("Yang"). Claims 2-3, 6-9, 36-37, and 39 were rejected under 35 U.S.C. § 103(a) as being obvious over Yang in view of U.S. Patent Application Publication No. 2002/0054157 to Hayashi ("Hayashi"). In view of the amendments to the claims and the following remarks, Applicants respectfully request reconsideration of the present application and allowance of the current set of claims.

Applicants' representative would like to thank the Examiner for the courtesies extended during the recent interview conducted on March 21, 2007. As the Examiner recommended during the interview, the preambles of Claims 1-9 are amended so that they are now directed to a computer readable storage medium. Specifically, the preamble of independent Claim 1 now recites "[a] computer readable storage medium having computer-readable program instructions embodied in the medium, the computer-readable program instructions configured to be executed by a processing device to provide access to media files on a digital device." As § 2106.01 of the MPEP points out, when functional descriptive material, such as that recited in Claims 1-9, is recorded on some computer readable medium, it becomes structurally and functionally interrelated to the medium and will be considered statutory subject matter. Thus, this amendment overcomes the rejection of Claims 1-9 under §§ 101 and 112.

The Office Action further rejects independent Claims 1 and 35 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,301,586 to Yang ("Yang"). During the interview, Applicants' representative argued that Yang does not disclose "generating media file representations within the media view such that the media file representations associated with a period of time proximate a predefined position within the media view are enlarged media file representations," as recited by independent Claims 1 and 35. In response, the Examiner submitted that Claims 1 and 35 are not clear and, therefore may be interpreted as reciting that the media file representations are enlarged when the media file representation is proximate a predefined position within the media view. Applicants' representative pointed out that the independent claims are intended to be interpreted as reciting that the media file representations

associated with a period of time are enlarged media file representations when the period of time is proximate a predefined position within the media view. In order to clarify the claim language, independent Claims 1 and 35 have been amended to recite “second instructions for generating media file representations within the media view such that the media file representations associated with a period of time are enlarged media file representations when the period of time is proximate a predefined position within the media view.”

For example, pages 15 and 16 of the Specification describe an embodiment of the claimed invention illustrated in Figure 2. Figure 2 shows a media view **200** where the period of time **220** corresponding to Thursday, December 18, 2003, is proximate the vertical centerline **210** of the media view **200**. The media file representations **230** for the media files associated with Thursday, December 18, 2003, are enlarged media file representations relative to, for example, media files associated with other periods of time.

The Yang reference is directed to a system for managing multimedia objects such as text, images, sound, and video clips. The cited sections of Yang describe how the system can sort a plurality of albums into one or more collections. The vertical menu in Figure 6 represents the various collections. If the user clicks on one of the collections in the vertical menu, the user can view icons or thumbnails for all of the albums created under the collection. By clicking an album icon, the user can preview the selected album as shown in Figure 7, and by double clicking an album icon, the user can view the album in three different views as shown in Figure 8 (a “thumbnail” view, a “notebook” view, and a “spreadsheet” view). Nothing in the Yang reference teaches or suggests a media view that displays an enlarged media file representation when the media file is associated with a period of time that is located in the media view proximate to a predefined position in the media view, as required by independent Claims 1 and 35. As such, the Yang reference does not anticipate independent Claims 1 and 35 as clarified by the amendment.

The secondary Hayashi reference used to reject some of the dependent claims is directed to a program for displaying a plurality of thumbnails. In the embodiment cited by the Examiner (illustrated in Figures 37-39 of Hayashi), the program displays the thumbnails in a diagonal line across a display. Clicking on one of the thumbnails moves the line of thumbnails so that the selected thumbnail is positioned at the center of the display (see Figures 37 and 38). Clicking on

the selected thumbnail a second time causes the program to display an enlarged representation of the thumbnail (see Figures 38 and 39). The Hayashi reference is not cited as teaching or suggesting, nor does it teach or suggest, a program that generates a media view that associates a media file representation with a period of time and that displays enlarged media file representations when the media file representations are associated with a period of time that is proximate to a predefined position in the media view, as required by the independent claims of the present application. Therefore, any combination of the Yang reference and the Hayashi reference also does not teach or suggest the claimed invention. As such, in view of the amendments and remarks presented above, Applicants submit that Claims 1-9, 35-39, 48, and 49 of the present application are in condition for immediate allowance.

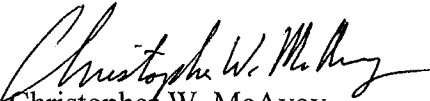
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Conclusion

In view of the amended claims and the foregoing remarks, it is respectfully submitted that all of the claims of the present application are in condition for immediate allowance. It is therefore respectfully requested that a Notice of Allowance be issued. The Examiner is encouraged to contact Applicants' undersigned attorney to resolve any remaining issues in order to expedite examination of the present application.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,


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